THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.15526 of 2006

18.8.2006

Between:

B.Satyanarayana Reddy, S/o.B.Narsi Reddy
And another

… Petitioners

AND

The District Collector, Ranga Reddy District
And others

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.15526 of 2006

ORDER:

In this writ petition, the petitioners allege that they inherited the land admeasuring Acs.42.09 guntas in survey Nos.266/2, 276, 280, 487/P, 488/1, 489 and 490 situated at Meerkhanpet Village of Kandukur Mandal in Ranga Reddy District from their ancestors and they are in possession of the same. After death of their father, to avoid misunderstandings, the property was divided among the petitioners and produced Deed of Partition before the third respondent for registration. However, the third respondent refused to register the same on the ground that the property in survey No.489 was notified in G.O.Ms.No.238 Revenue (Registration I) dated 05.3.2004 under Section 22-A of the Registration Act, 1908 (the Act, for brevity), as opposed to public policy. The petitioners, therefore, filed the present writ petition, challenging the said Government Order.

In **State of Rajasthan v Basant Nahata**[1], the Supreme Court struck down the provision in the Act as amended by the State of Rajasthan as *ultra vires*. Following the same, a Division Bench of this Court in its judgment dated 07.12.2005 in W.P.Nos.14099 of 2003 and batch struck down Section 22-A of the Act as applicable in State of Andhra Pradesh. Therefore, the impugned notification cannot be

sustained. Further, in subsequent judgment in W.P.No.17325 of 2005 and batch, dated 20.02.2006, a Division Bench of this Court while invalidating similar notification observed as under.

> As a sequel to the above, G.O.Ms.No.810, dated 14.10.2004, is also quashed. However, it is made clear that registration of the documents of the petitioners would remain subject to the final adjudication by the Supreme Court. This would necessarily mean that if the appeal filed by the State is allowed by the Supreme Court, the registration of the documents of the petitioners shall stand automatically nullified.

Following the same, this writ petition is allowed observing that any registration of the document presented by the petitioners would be subject to the adjudication by the Supreme Court, and if ultimately, the Supreme Court allows the Appeal filed by the Government of Andhra Pradesh, the registration of the documents would stand automatically nullified. Further, if the property (land) in survey No.489 is claimed by the Government, it is always open to the Government to take appropriate action under law. No costs.

_____

(**V.V.S.RAO, J**)

August 18, 2006.

YS

---

[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456